

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
KEITH BABULA : ORDER OF REVOCATION
_____ : DOCKET NO: 492-01/99-185

At its meeting of January 21, 1999, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that Keith Babula had been convicted for simple assault including bodily injury in April, 1996. As a result of such conviction, Babula was disqualified from public school employment pursuant to N.J.S.A. 18A:6-7.1 *et seq.* Babula's appeal of the disqualification before the Commissioner of Education was denied. Babula never disclosed that he had been convicted of a crime on his application for certification. Upon review of the above information, at that meeting the State Board of Examiners voted to issue an Order to Show Cause to Respondent. Babula currently holds a County Substitute certificate.

The Order to Show Cause was mailed to Respondent by regular and certified mail on January 21, 1999. Although the regular mail copy was not returned and the certified copy was signed and returned, Babula did not respond. On May 7, 1999, Babula was advised by regular and certified mail that he was being provided an additional ten days to respond to the Order. Once again the regular mail copy was not returned and the certified copy was signed and returned.

The threshold issue before the State Board of Examiners in this matter, therefore, is to determine whether Babula's disqualification from serving in the public schools of New Jersey as well as his misrepresentation on his certification application gives the Board just cause to act against his certificate pursuant to N.J.A.C. 6:11-3.6(a)1. Since Babula did not respond to the

Order to Show Cause, the State Board of Examiners had no responsive pleading to consider in the hearing process. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding. N.J.A.C. 6:11-3.6(a)1. Since Babula's disqualification, which was predicated on the same offense as was set forth in the Order to Show Cause, is admitted, as is his misrepresentation on his application, the Board of Examiners must now decide whether they constitute a sufficient basis to act against Babula's certificate pursuant to N.J.A.C. 6:11-3.6(a)1. We find that they do.

The Commissioner has long-recognized that: "Teachers... are professional employees to whom the people have entrusted the care and custody of ... school children. This heavy duty requires a degree of self-restraint and controlled behavior rarely requisite to other types of employment." Tenure of Sammons, 1972 S.L.D. 302, 321.

In this case, Babula has a conviction for a crime that involves bodily injury. Unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. Redcay v. State Board of Education, 130 N.J.L. 369, 371 (S. Ct. 1943), *aff'd*. 131 N.J.L. 326 (E & A 1944). Accordingly, the State Board of Examiners finds that Babula's disqualification from service in the public schools of this State because of his conviction for simple assault involving bodily injury provides just cause to take action against his certificate. In addition, Babula misrepresented his status on his application, indicating that he had not been convicted of a crime. A teacher who is dishonest is no role model for impressionable students and should not be in a classroom.

In enacting the Criminal History Review statute, N.J.S.A. 6-7.1 et seq. in 1986, the Legislature sought to protect public school pupils from contact with individuals whom it deemed to be a danger to them. That strong policy statement on the part of the Legislature set forth in

N.J.S.A. 18A:6-7.1b also offers guidance to the State Board of Examiners as to the appropriate sanction in this matter. An individual whose offense warrants his exclusion from service in the public schools should not be permitted to retain the license that authorizes such service. Nor should a person who has been disqualified from teaching in a public school be permitted to continue to hold himself out as a teacher. Because the Legislature considers Babula's offense so significant, the State Board of Examiners in this matter believes that the appropriate sanction for his disqualification is the revocation of his certificate to teach.

Accordingly, it is therefore ORDERED that Keith Babula's County Substitute certificate be revoked on this 17th day of June, 1999. It is further ORDERED that Keith Babula return his certificate to the Secretary of the State Board of Examiners, Office of Licensing, P.O. Box 500, Trenton, NJ 08625-0500 within fifteen (15) days of receipt of this decision.

Secretary
State Board of Examiners

Date of Mailing: August 6, 1999

Appeals may be made to the State Board of Education pursuant to the provisions of N.J.S.A. 18A:6-28.

IBG:MZ:br:keithbabula